

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

NATIONAL RAILROAD PASSENGER
CORPORATION, et al.,

Plaintiffs,

v.

CALN TOWNSHIP, et al.,

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION

No. 08-5398

ORDER

AND NOW, this 8th day of January, 2010, upon consideration of Plaintiffs' Motion for Declaratory Judgment and Injunctive Relief (Doc. No. 2), and the briefs, exhibits, and other documents submitted in support thereof or in opposition thereto, and upon consideration of all prior proceedings in this action, it is hereby **ORDERED** that Plaintiffs' Motion is **GRANTED**; and:

- (1) It is hereby **ADJUDGED** and **DECLARED** that 49 U.S.C. §§ 24301(l) and (g), as well as 49 U.S.C. § 24902(j), prohibit Defendant Caln Township (the "Township") and/or the Township's Commissioners, Director of Code Enforcement, and other Township officials, from imposing upon, or enforcing against, Amtrak or its Directors, corporate officers, or employees, Ordinance 2005-11 (amending Ch. 120-2 of the Township Code) (the "Ordinance"), or any tax, fee, fine, cost, or other charge associated with the Ordinance, relating to Amtrak's property located within the Township or to Amtrak's intercity rail

passenger services or operations within the Township;

- (2) it is further **ORDERED** and **DECREED** that the Township and/or the Township's Commissioners, Director of Code Enforcement, and other Township officials, are **PERMANENTLY ENJOINED** from imposing upon, or enforcing against, Amtrak or its Directors, corporate officers, or employees, the Ordinance, or any tax, fee, fine, cost, or other charge associated with the Ordinance, relating to Amtrak's property located within the Township or to Amtrak's intercity rail passenger services or operations within the Township;
- (3) it is further **ORDERED** and **DECREED** that the Court shall retain jurisdiction over this matter to enforce the terms of this Order; and
- (4) it is further **ORDERED** and **DECREED** that each party shall bear its own costs.

BY THE COURT:

/s/ Robert F. Kelly
ROBERT F. KELLY
SENIOR JUDGE